

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DEVIN RAY HOCKEMEIR,

Case No. 3:22-cv-00359-LRH-CSD

Petitioner,

v.

ORDER

TIM GARRETT, *et al.*,

Respondents.

Petitioner, a Nevada prisoner, has submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Petitioner has not paid the filing fee (\$5.00) or filed an application to proceed *in forma pauperis*. Because this matter has not been properly commenced, it will be dismissed without prejudice to bringing a new action.

Under 28 U.S.C. § 1915(a)(2) and the court's Local Rules (LSR 1-1, 1-2), a habeas petitioner unable to pay the filing fee must file an application for leave to proceed *in forma pauperis* on the form provided by the court with both an inmate account statement for the past six months and a properly executed financial certificate.

IT IS THEREFORE ORDERED that this action is dismissed without prejudice to the filing of a petition in a **new** action with either the \$5.00 filing fee or a properly completed application form to proceed *in forma pauperis*. The Clerk shall enter judgment accordingly and close this case.

1 IT IS FURTHER ORDERED that a certificate of appealability is denied as jurists
2 of reason would not find the court's dismissal of this improperly commenced action
3 without prejudice to be debatable or incorrect.

4 IT IS FURTHER ORDERED that the Clerk shall send petitioner two copies each
5 of an application form to proceed *in forma pauperis* for incarcerated persons and a
6 noncapital section 2254 habeas petition form, one copy of the instructions for each
7 form, and a copy of the papers that he submitted in this action.

8 DATED THIS 25th day of August, 2022.

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11 UNITED STATES DISTRICT JUDGE
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